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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/434,645 11/05/99 LOEPER

D D5009-00002

008933 WM01/0306
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EXAMINER

KYLE E. C

ART UNIT

PAPER NUMBER

2164
DATE MAILED:

03/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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Office Action Summary

Application No.

09/434,645

Applicant(s)

LOEPER, DAVID B.

Examiner

Charles Kyle

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 1999 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Drawings

The drawings are objected to because of the items described on the accompanying Form PTO 948. Correction is required.

Claim Objections

Claims 1, 7, 8 and 13 are objected to because of the following informalities:

Claims 1, 7 and 13 contain the phrase "said selected amount and time" which lacks sufficient antecedent basis.

Claim 8 recites the phrase "said steps" which lacks sufficient antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friend et al in view of Graff.

As to Claims 1, 7 and 13, Friend et al disclose the invention substantially as claimed, including system, method and storage medium for evaluating financial plans which includes:

1) calculation of change in a predetermined initial value of an investment based on changes in value over a first historical time period to obtain a changed investment

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value; see Column 1, line 10 to Col. 23 and particularly, Col. 3, lines 28-48. See also Col. 8, lines 1-9.

2) calculation of change in the changed initial value of an investment based on changes in value over a second historical time period to obtain a further changed investment value; see Column 1, line 10 to Col. 23 and particularly, Col. 3, lines 28-48.

3) repeating the calculations with respect to successive historical time periods; see Column 3, lines 28-30.

4) after at least one of the calculations, adjusting the investment based on at least one of a contribution amount and a withdrawal amount; see Col. 9, lines 15-22.

See also Column 9, line 66 to Col. 10, line 65.

Friend et al do not specifically disclose the updating of the changed investment value between the calculating steps of a) and b) above. Graff discloses the updating of the changed investment at Col. 10, lines 47-67, Column 14, lines 8-12 and Col. 17, lines 24-36. See also Figure 4A, elements 82 and 84. It would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the updating of asset values disclosed by Graff in the investment planning invention of Friend et al because this would have provided the most accurate estimation of long term investment income. The updating of investment values taught by Graff is concerned specifically with determining accurate investment values available at the end of one financial period which would become available for investment in a successor period. For example, if such available investment funds were not determined *after* the effect of taxes, successive periods investment earnings would have been overstated and too optimistic.

The inclusion of such a feature from Graff in the invention of Friend et al is suggested by the fact that both inventions address similar subject matter; i.e. portfolio planning, selection or analysis. Further, it would have been obvious to have updated an end of period investment amount for any other relevant factors which would reduce or increase that amount before its use as the beginning amount for a successive investment period, because this would have enhanced the projection accuracy in a way analogous to updating for tax effects.

Concerning Claims 2, 8 and 14, Friend et al disclose the presentation of results at Figures 2 to 7 and Col. 2, lines 30-62 and Col 4, line 21 to Col. 5, line 10.

Regarding Claims 3, 9 and 15, Friend et al disclose multiple asset categories and distinct historical data at Col. 3, lines 28-48.

As to Claims 4, 10 and 16, Friend et al disclose comparison of results of calculation to a goal at Col. 3, line 49 to Col. 4, line 10.

Concerning Claims 5, 11 and 17, see the discussion of Claims 1, 7 and 13 above.

With respect to Claims 6, 12 and 18, Friend et al teach the entry of initial investment values and allocation to asset categories at Col. 2, line 66 to Col. 3, line 15.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

New Software, New Sophistication: These programs promise to improve the quality of financial advice, reduce the time and labor required to complete certain tasks

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and minimize errors that inevitably arise from the manual processing of information,

Ellen Jovin, Financial Planning, New York, Aug. 1, 1998

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kyle whose telephone number is (703) 305-4458. The examiner can normally be reached on Monday - Friday, 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9051 for regular communications and (703) 308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

ckk
crk
February 26, 2001

Robert W. Downs

**ROBERT W. DOWNS
PRIMARY EXAMINER**